

MINUTES

CASE NUMBER: CIVIL NO. 16-00448LEK-KSC

CASE NAME: Benita J. Brown, individually and on behalf of all others similarly situated, et al. Vs. Porter McGuire Kiakona & Chow, LLP, a Hawai'i limited liability partnership, as individual entities, et al.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 12/21/2016

TIME:

COURT ACTION: EO: COURT ORDER VACATING HEARING ON PENDING MOTIONS AND JOINDER

On August 10, 2016, Plaintiffs Benita J. Brown, Craig Connelly and Kristine Connelly, as individuals and on behalf of all others similarly situated (collectively "Plaintiffs"), filed their Class Action Complaint ("Complaint"). [Dkt. no. 1.]

On September 28, 2016, Defendant Ekimoto & Morris, LLC filed a motion to dismiss the Complaint ("E&M Motion"), and Defendant the Association of Apartment Owners of Terrazza/Cortbella/Las Brisas/Tiburon filed its motion ("Terrazza AOA Motion") on September 29, 2016. [Dkt. nos. 40, 42.] On October 14, 2016, Defendant Porter McGuire Kiakona & Chow, LLP filed a substantive joinder in the E&M Motion ("PMKC Joinder"). [Dkt. no. 65.] On October 3, 2016, Defendant Association of Apartment Owners of Ko Olina Kai Golf Estates and Villas filed its Motion for Judgment on the Pleadings on Counts I-IV of Plaintiffs' Class Action Complaint, Filed August 10, 2016 ("Ko Olina AOA Motion"). [Dkt. no. 46.] The E&M Motion, PMKC Joinder, Terrazza AOA Motion, and Ko Olina AOA Motion are currently set for hearing on January 17, 2017, at 10:30 a.m.

The issues and claims raised in the instant case are substantively similar to some of the issues and claims raised in Galima v. Ass'n of Apartment Owners of Palm Court, et al., CV 16-00023 LEK-KSC. See Galima, Second Amended Complaint, filed 8/19/16

(dkt. no. 34). There are two pending motions to dismiss in Galima (“Galima Motions”). [Id., dkt. nos. 39, 56.] The Galima Motions are fully briefed, and this Court has already held a hearing on the Galima Motions. [Id., Minutes, filed 12/5/16 (dkt. no. 65).]

Because the issues presented in the two cases are substantively similar, the disposition of the Galima Motions may affect the pending motions in the instant case. This Court therefore VACATES the January 17, 2017 hearing on E&M Motion, PMKC Joinder, Terrazza AOA Motion, and Ko Olin AOA Motion, pending the resolution of the Galima Motions. After this Court issues the written order ruling on the Galima Motions, this Court will issue new briefing deadlines for the E&M Motion, PMKC Joinder, Terrazza AOA Motion, and Ko Olin AOA Motion and – if necessary – a new hearing date.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager